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Docket No. CS20177RL

FEB 17 2006

PATENT

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

APPLICANT: Kotzin, Michael.

EXAMINER: Kindred, Alford W

SERIAL NO.: 10/083,893

GROUP: 2172

FILED: February 27, 2002

CASE NO.: CS20177RL

ENTITLED: METHOD TO OPTIMIZE INFORMATION DOWNLOADING

APPEAL BRIEF

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

Dear Chief Administrative Patent Judge:

This Appeal Brief is in furtherance of the Notice of Appeal, transmitted on  
17 August 2005.

The fees required under 37 C.F.R. § 41.20(b)(2), and any required petition  
for extension of time for filing this Appeal Brief and fees therefor, are dealt with  
in the accompanying Transmittal Form.

This brief is being transmitted by facsimile pursuant to 37 C.F.R. § 1.6(d).

This brief contains items under the headings listed in the following Table  
of Contents, and in the order indicated in 37 C.F.R. § 41.37(c).

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### **I. Real Party In Interest**

The real party in interest is Motorola Inc., by virtue of an assignment duly executed by the named inventor(s) and recorded in the Patent Office on 27 February 2002, REEL/FRAME 012659/0797.

### **II. Related Appeals & Interferences**

There are no related appeals or interferences.

### **III. Status of Claims**

Claims 1 - 15 are pending and stand finally rejected in the Office action mailed on 18 July 2005.

The claims on appeal are Claims 1-15, a copy of which is appended.

### **IV. Status of Amendments**

No amendments have been filed subsequent to the mailing of the final Office Action on 18 July 2005.

### **V. Summary of Claimed Subject Matter**

The subject matter of the claims on appeal involves a method for optimizing and reducing the perceived download time for web pages. Regarding Independent claim 1, the method includes storing a list of web pages that has been predefined. The device downloads (304) a first web page which has a

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hyperlink (FIG. 1) to a second web page. The first web page, or at least a portion thereof is displayed (306) on the device. In the background while the first web page is displayed, the second web page, which is included on the stored download list (406, 408), is downloaded (310) to the device. While the user is viewing the first web page the second web page is loaded on the device so that when the user selects (312) hyperlink from the first web page, the second web page can be displayed (314) almost instantly or at least as quickly as the processor of the device will allow. The user may predefine the download list or the download list may be automatically defined. For example, the download list (506) may be a list of most frequently selected hyperlinks (502, 504, 506) such as a common sports page or user's home page. In another embodiment, the download list may be based on other user's hyperlink selection frequency.

#### **VI. Grounds of Rejection for Review on Appeal**

1. Whether claims 1-15 are patentable over U.S. Patent Application No. 2002/0087624 A1 Liebenow (Liebenow) in view of U.S. Patent Application No. 2002/0026489 Kim (Kim) under 35 USC 103(a).

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## **VII. Arguments**

### **Rejection Summary**

The Office Action rejects, under 35 U.S.C. § 103(a), claims 1-15 over U.S. Patent Application No. 2002/0087624 A1 Liebenow (Liebenow) in view of U.S. Patent Application No. 2002/0026489 Kim (Kim) under 35 USC 103(a).

The Examiner's rejection relies upon a mischaracterization of both Liebenow and Kim. Liebenow is directed towards prioritizing web pages previously downloaded and viewed and stored in cache memory. Kim is directed to a method for providing a list of users of a particular web page in a server computer. The list of current users of the requested web page is provided from user information stored in a server database. Additionally, Kim is directed to providing a system and method for obtaining wanted information that a complicated registration procedure may be omissible an creating a temporary community based on IP addresses and thereby allowing users to exchange information with each other more efficiently.

Essentially, both Liebenow and Kim, independently or in any combination thereof, fail to show, 1) storing a predefined download list, and 2) downloading in the background said second web page, which is included in the stored predefined download list, to a second memory location of said device. Additionally, the Examiner has failed to provide a convincing line of reasoning as to the motivation for the combination of the Liebenow and Kim.

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The pending claims enable the decreased time to display the second web page by selectively downloading the data in the background which is simply not contemplated by Liebenow nor Kim independently or in any combination thereof.

#### **Allowability of Claim 1 – 15**

In the final office action of 18 July 2005 the Examiner rejected under 35 U.S.C. § 103(a), claims 1-15 as being unpatentable over Liebenow in view of Kim. Applicant's point out that neither Liebenow nor Kim disclose storing a predefined download list, and 2) downloading in the background said second web page, which is included in the stored predefined download list, to a second memory location of said device.

In general, Liebenow is directed to a system for specifying the type of data to be temporarily stored and the amount of time that data is to be stored (at Para [0008]) after it has been downloaded such that the data is not deleted from memory on a first in first out basis. As Liebenow shows, cached data (e.g. web pages) is generally temporarily stored on a first-in / first-out basis no matter what the data is. The time duration for which the data is stored is a function of the number of web pages stored in the cache. Liebenow shows that the user may specify that a desired piece of data be stored for a desired length of time (at Para [0018]). Liebenow further shows one variation wherein the user may store in a

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special cache certain data from the websites hyperlinked to the web site being viewed, without actually viewing the hyperlinked sites. Liebenow, as the Examiner admits, does not disclose storing a predefined download list of web pages. Nor does Liebenow disclose the step of downloading in the background the second web page, which is included in the stored predefined download list.

Liebenow shows (at Para [0024]) that when the same data, (e.g. the web page) is requested "after the initial viewing," elements of the data that are stored in cache memory, may be retrieved from the cache instead of the server. In liebenow, the web page has been previously viewed and then stored in cache memory. The user in Liebenow may specify that desired Web pages be stored for a specific period of time (Para. [0018] and quick-save at Para [0028]). This data is not deleted from cache based on the first in first out method. In this case the user must specifically select the quick-save option to save an already downloaded web page. This is contrary to downloading in the background a second web page, the hyperlink to which is stored in the predefined download list and found on the first web page as recited in claim 1. Essentially, in claim 1, a match of the hyperlink on the first web page to a hyperlink in the predefined download list results in the downloading of the second web page in the background without having previously downloaded and viewed the web page.

Liebenow briefly suggests (at Para [0010] and at Para [0040]) that the user may store in a special cache certain data from Web sites hyperlinked to a Web site being viewed, without actually viewing the hyperlinked sites. Continuing, that as an option, specific hyperlinks in a retrieved Web page may be selected for downloading. Liebenow does not disclose or suggest a predefined

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download list nor the step of downloading in the background a second Web page which is included in the stored predefined download list. Liebenow does disclose that specific hyperlink may be "selected", however this is not the same as comparing hyperlinks on a webpage to a predefined list already stored in the device. Liebenow, therefore, fails to disclose or suggest the features of independent claim 1.

The Examiner relies on Kim to assert storing a predefined download list. First, there is no motivation to combine Liebenow with Kim. Liebenow, as discussed previously is directed to a system for specifying the type of data to be temporarily stored and the amount of time that data is to be stored and in one variation the user may store in a special cache certain data from the websites hyperlinked to the web site being viewed, without actually viewing the hyperlinked sites. Kim is directed to providing a system and method for obtaining wanted information that a complicated registration procedure may be omissible an creating a temporary community based on IP addresses and thereby allowing users to exchange information with each other more efficiently. Kim is further directed to providing a list of current users accessing a particular web page. Therefore there is no motivation to combine the Liebenow reference and the Kim reference. The Examiner therefore fails to show a convincing line of reasoning as to any motivation to combine the two references.

Notwithstanding, Kim fails to make up for the deficiencies of Liebenow. Kim neither discloses nor suggests the steps of storing a predefined download list, or 2) downloading in the background said second web page, which is included in the stored predefined download list, to a second memory



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location of said device. Kim instead shows a method for providing a list of users of a particular web page in a server computer. The list of current users of the requested web page is provided from user information stored in a server database (at Para. [0014]). Kim does not show or suggest storing a predefined download list, nor does Kim show downloading in the background said second web page, which is included in the stored predefined download list as recited in independent claim 1. Storing a list of users is very much different than storing a list of hyperlinks. Kim therefore fails to make up for the deficiencies of Liebenow as Kim fails to disclose or suggest the features of claim 1 that are not shown in Liebenow.

Therefore, the Examiner's rejection of claim 1-15 fails to address all of the limitations of independent claim 1 and that claim 1 is allowable over Liebenow, and Kim. Claims 2-15 depend from independent claim 1 and are therefore also in condition for allowance.

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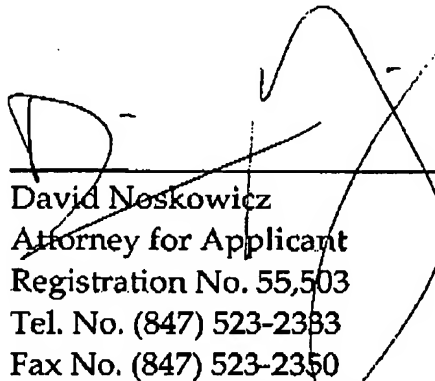
**Prayer For Relief**

For the reasons set forth, and as is apparent from a review of the above-cited references, the pending claims 1-15 present patentable subject matter such that reversal of the rejections is appropriate.

Respectfully submitted,

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### VIII. Claims Appendix

1. A method for decreasing the time to display a web page on a device comprising:  
storing a predefined download list of web pages;  
receiving a first web page to a first memory location of said device, said first web page having at least one hyperlink that corresponds to a second web page;  
displaying at least a portion of said first web page on said device from said first memory location on a display of said device; and  
downloading in the background said second web page, which is included in the stored predefined download list, to a second memory location of said device.
2. The method of claim 1, comprising selecting the at least one hyperlink from said first web page, said at least one hyperlink corresponding to said second web page.
3. (Original) The method of claim 2, comprising displaying said second web page on a display of said device from said second memory location of said device in response to said at least one hyperlink being selected.
4. (Original) The method of claim 3, comprising generating a display acknowledgement in response to displaying said second web page.

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5. The method of claim 2, comprising selecting said at least one hyperlink by a point and click method.
6. The method of claim 2, comprising selecting said at least one hyperlink by a meta tag method.
7. (Withdrawn) The method of claim 1, comprising prior to downloading said first web page, predefining a download list of web pages having at least one hyper link and searching said first web page for said at least one hyper link.
8. The method of claim 1, comprising downloading to said second memory only those web pages of said predefined download list.
9. The method of claim 1, wherein the user predefines said download list.
10. The method of claim 1, wherein said predefined download list contains hyperlinks that have a greatest frequency of hyperlink selection.

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11. (Original) The method of claim 10, wherein said greatest frequency of hyperlink selection is based on the users hyperlink selection history.
12. (Original) The method of claim 10, wherein said greatest frequency of hyperlink selection is based on other users hyperlink selection history.
13. (Original) The method of claim 1, wherein said device is a wireless communication device.
14. (Original) The method of claim 3, comprising generating a display acknowledgement message in response to displaying said second web page on a display of said device.
15. (Original) The method of claim 1, wherein said second web page is a portion of said first web page which is not said at least a portion of said first web page.